



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|-------------------------|
| In Re Application Of: |) | Att.: Box Missing Parts |
| Thomas FOXEN, et al. |) | Group Art Unit: 3728 |
| Serial No. 10/767,465 |) | Examiner: TBD |
| Filed: January 28, 2004 |) | Docket No. 005127.00278 |
| For: ARTICLE OF FOOTWEAR HAVING A FLUID-FILLED BLADDER WITH A REINFORCING STRUCTURE |) | |

SUBMISSION OF MISSING PARTS OF NONPROVISIONAL APPLICATION

Commissioner for Patents
Alexandria, VA 22313

Sir:

Pursuant to the Notice to File Missing Parts of Application dated June 16, 2004, Applicants hereby submit their executed Declaration in the above Application. The Commissioner is hereby authorized to charge deposit account 19-0733 for a total of \$1,942.00, which includes the basic filing fee of \$790.00, \$504.00 for 28 claims over 20, \$88.00 for 1 independent claims over 3, the \$130.00 surcharge as set forth in 37 C.F.R. §1.16(e), and \$430.00 for a two-month extension of time. Should any additional fees be necessary, the Commissioner is authorized to charge the cost of the additional fees to deposit account 19-0733.

The submission of these missing parts, and two month extension of time, is timely filed by virtue of its filing by facsimile on October 12, 2004. However, should any extension or additional fee be required for the filing of these papers, such extension is requested and the Commissioner is hereby authorized to charge said fee to our Deposit Account No. 19-0733.

Respectfully submitted,

By: Byron S. Kuzara
Byron S/Kuzara, Registration No. 51,255

Banner & Witcoff, Ltd.
1001 G Street, N.W.
Washington, D.C. 20001-4597
Telephone: 503-425-6800

Dated: October 12, 2004



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

601 SW SECOND AVENUE, # 1900
PORTLAND, OREGON 97204

TEL: 503.425.6800
FAX: 503.425.6801
www.bannerwitcoff.com

FACSIMILE TRANSMITTAL SHEET

| | |
|---|---------------------|
| To: | From: |
| Office of Initial Patent Examination - Missing Parts | Byron S. Kuzara |
| COMPANY: | DATE: |
| USPTO | October 12, 2004 |
| FAX NUMBER: | TOTAL NO. OF PAGES: |
| 703-746-4060 | 15 |
| RE: | OUR REFERENCE NO.: |
| App. No. 10/767,465 | 005127.00278 |
| <i>If you do not receive all page(s) or have any problems receiving this transmission, please call:</i> | |
| NAME: Lesa Wolman | PHONE: 503-425-6800 |
| COMMENTS: | |



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PTO/SB/07 (06-03)

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

on 10/12/04.

Date



Byron S. Kuzara, #51,255

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)

Petition for Extension of Time (1 page)

Submission of Missing Parts (2 pages)

Executed Declaration (2 pages)

Copy of Notice to File Missing Parts (2 pages)

Supplemental Application Data Sheet (5 pages)

Serial No. 10/767,465

Attorney Docket No. 005127.00278

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04)
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OCT 12 2004



FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1942

| Complete If Known | |
|----------------------|----------------------|
| Application Number | 10/787,485 |
| Filing Date | 1/28/04 |
| First Named Inventor | Thomas Foxen, et al. |
| Examiner Name | TBD |
| Art Unit | 3728 |
| Attorney Docket No. | 005127.00278 |

METHOD OF PAYMENT (Check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number

19-0733

Deposit Account Name

Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity |
|---------------|---------------|
| Fee Code (\$) | Fee Code (\$) |
| 1001 780 | 2001 385 |
| 1002 360 | 2002 175 |
| 1003 550 | 2003 275 |
| 1004 780 | 2004 395 |
| 1005 160 | 2005 80 |

Utility filing fee

Design filing fee

Plant filing fee

Release filing fee

Provisional filing fee

Fee Paid

| |
|-----|
| 780 |
| |
| |
| |
| |

SUBTOTAL (1)

(\$ 780)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|---------------|
| 48 | -20** | = 28 | X 78 = 604 |
| Independent Claims | 4 | -3** | = 1 X 88 = 88 |
| Multiple Dependent | 0 | | X 300 = 0 |

Fee Paid

604

88

0

SUBTOTAL (2)

(\$ 592)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | 190 |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 65 | Extension for reply within first month | |
| 1252 430 | 2262 215 | Extension for reply within second month | 430 |
| 1253 980 | 2253 490 | Extension for reply within third month | |
| 1254 1,630 | 2254 765 | Extension for reply within fourth month | |
| 1255 2,060 | 2255 1,040 | Extension for reply within fifth month | |
| 1401 340 | 2401 170 | Notice of Appeal | |
| 1402 340 | 2402 170 | Filing a brief in support of an appeal | |
| 1403 500 | 2403 150 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,370 | 2453 695 | Petition to revive - unintentional | |
| 1501 1,370 | 2501 686 | Utility issue fee (or release) | |
| 1502 480 | 2502 245 | Design issue fee | |
| 1503 660 | 2503 330 | Plant issue fee | |
| 1490 130 | 1460 100 | Petitions to the Director | |
| 1807 50 | 1807 50 | Proceeding fee under 37 CFR 1.17 (g) | |
| 1808 180 | 1808 180 | Submission of Information Disclosure Statement | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 790 | 2809 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 790 | 2810 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 790 | 2801 395 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 600 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 560)

**or number previously paid, if greater. For Releasees, see above

SUBMITTED BY

| Name (Print/Type) | Byron S. Kuzara | Registration No. (Attorney/Agent) | 51,255 | Telephone | 503-425-6800 |
|-------------------|-----------------|-----------------------------------|--------|-----------|--------------|
| Signature | | | Date | 10/7/04 | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
 This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is dependent upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NUMBER | FILING OR 371 (e) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/767,465 | 01/28/2004 | Frederick J. Dojan | 005127.00278 |

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22909
 BANNER & WITCOFF, LTD.
 1001 G STREET, N.W.
 WASHINGTON, DC 20001-4597

JUN 18 2004

CONFIRMATION NO. 3624
 FORMALITIES LETTER

OC00000012957224

BANNER & WITCOFF

Date Mailed: 06/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$590 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

10767465

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1490 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

10/14/2004 JBALINAN 00000152 190733

| | |
|------------|-----------|
| 01 FC:1001 | 790.00 DA |
| 02 FC:1201 | 88.00 DA |
| 03 FC:1202 | 504.00 DA |
| 04 FC:1051 | 130.00 DA |

- Total additional claim fee(s) for this application is \$590

- \$86 for 1 independent claims over 3.
- \$504 for 28 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
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Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY